



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

May 9, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Grady L. Shields
Wyrick Robbins Yates & Ponton LLP
4101 Lake Boone Trail
Raleigh, North Carolina 27607-7506

Re: Waste Industries USA, Inc. and Black Bear Disposal, LLC,
Camden County, North Carolina (Doc ID No: 4456)

Dear Mr. Shields:

The General Assembly, under the provisions of Section 3 of Session Law 2007-543, found that it is in the public interest to provide for the potential compensation of an applicant who submitted an application for a permit for a solid waste management facility prior to August 1, 2006 and whose application would be denied under N.C.G.S. 130A-295.6(d). You submitted a request for reimbursement dated December 18, 2007, received by the Division of Waste Management December 21, on behalf of your clients Waste Industries USA, Inc. and Black Bear Disposal, LLC.

The Division of Waste Management has completed the review of the request for reimbursement of costs incurred in the preparation of an application for a permit for a sanitary landfill. The review included clarifying information submitted by you on March 20, 2008, pursuant to a request by the Division. The Division has determined based on the information provided that Waste Industries USA, Inc. and Black Bear LLC are eligible to receive a total of \$774,825.72.

Costs eligible for reimbursement include documented requests that satisfy the requirements of the Session Law. It specifically includes funds spent for preparation of documents for the landfill permit application, legal fees associated with obtaining a local government franchise, and travel costs associated with obtaining the franchise and preparation of the permit application.

Costs not eligible for reimbursement include expenses for projects in Alamance County and Dalton, Georgia, and travel associated with marketing the project, and other costs for which sufficient documentation was not provided to qualify a particular request under the requirements of the law.

The first section of the Waste Industries reimbursement request includes the "Waste Industries Black Bear Summary" spreadsheet showing a number of costs for which Waste Industries provided no documentation with its request. Some of these costs are also ineligible for reimbursement under the statute, including the cost of land acquisition (\$8,627, 858), "capitalized interest" (\$1,659,208), "capitalized labor" (\$161,737), and costs incurred after August 1, 2006 (\$1,095,507).

Enclosed with this letter is "SB 6 Cost Reimbursement Review" spreadsheet prepared by the Division depicting which specific requests for reimbursement have been deemed eligible, in whole or in part, which requests have been deemed ineligible, in whole or in part, and the reason for denial.

You should have your clients sign and return to the Division the enclosed "Certification of Authenticity and Payment," certifying that the costs to be reimbursed were incurred by Waste Industries USA, Inc. and Black Bear Disposal, LLC, that the documentation supporting the costs is complete, accurate and truthful, that the costs were paid in full, and that said costs are eligible for reimbursement under Section 3 of Session Law 2007-543.

If your clients agree with the reimbursement determination in this letter and execute the Certification of Authenticity and Payment, then please also have your client execute the enclosed Waiver and Covenant Not to Sue as required pursuant to Section 3.(g) of the Law. Upon receipt of both the Certification and the Waiver and Covenant Not to Sue executed by your client, the Department will notify the Secretary of the Department of Revenue to reimburse these costs subject to the availability of funds from the proceeds of the tax imposed in accordance with N.C.G.S. 105-187.61.


If your clients disagree with the determination of the Division regarding eligibility of particular costs for reimbursement and believes that the determination is in error, it is the policy of this State to attempt to settle such a dispute through informal procedures. The Division encourages your client to schedule an informal conference to discuss this matter and to give your client an opportunity to review with the Division the reimbursement costs deemed eligible and ineligible. If your client desires an informal conference, please contact Ellen Lorscheider at 919.508.8499, or the address on this letterhead within the next thirty (30) days.

Whether or not your clients choose to schedule an informal conference, your client has a right to request an administrative hearing to contest this decision. To exercise this right, your client must file a written petition in accordance with N.C.G.S. 150B-23(a) within sixty (60) days of receipt of this certified letter. Said petition must state facts tending to establish that the agency has deprived your client of property, has otherwise substantially prejudiced your client's rights, and that the agency has: 1) exceeded its authority or jurisdiction; 2) acted erroneously; 3) failed to use proper procedure; 4) acted arbitrarily or capriciously; or 5) failed to act as required by law or rule.

The petition must be filed within sixty (60) days with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. A copy of the petition must also be served on Ms. Mary Penny Thompson, General Counsel, North Carolina Department of Environment and Natural Resources, 1601 Mail Service Center, Raleigh, NC 27699-1601.

However it should be noted that the scheduling of an informal conference will not extend the sixty (60) day period to file a petition for an administrative hearing.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dexter Matthews", is written over a horizontal line.

Dexter Matthews
Director

Enclosures

c: Jim Perry, President Waste Industries USA, Inc.
Paul S. Crissman, Chief, Solid Waste Section
Ellen Lorscheider, Environmental Programs Manager
Nancy Scott, Assistant Attorney General

Page (s)	Firm	Category and Invoice Information	Eligible Costs	Ineligible Costs	Ineligible Cost Detail Unavailable	"Black Bear Breakdown" of Invoices Provided	Information provided	Doc. #
7								
8								
9		LAND - Black Bear			\$8,237,071.00		land not eligible	
10		LAND - option Camden Yard			\$390,787.00		land not eligible	
11								
12		Capitalized Interest			\$1,659,208.00		interest not eligible	
13								
14		Franchise Extension Cuthrell Property			\$458,076.00		no information provided	
15								
16		Engineering Detail Unavailable			16973		no information provided	
17		Engineering Detail Unavailable Post 8/07/2006			215360		post 8-1-06	
18	A1-A3	Engineering Detail Provided	\$745,499.05	\$40,653.17		786,151.97		
19	1	Check Request-1933296	\$23,186.66			23,186.66	landfill development franchise	25
20	2-3	Check Request-WI143436	\$500.00			500.00	license fee subsurface	26
21	4	CDM 10/17/2003	\$25,794.89			25,794.89	feasibility study / air survey	30
22	5	GNR	\$357.50			357.50		33
23	6	GNR	\$3,980.06			3,980.06		34
24	7-10	CDM 4/29/2004	\$218,190.75			218,190.75		45-70
25	11	GNR		\$323.50		323.50	Project referenced as Alamance	71
26	12	GNR	\$400.00			400.00		72
27	13	GNR		\$5,183.55		5,183.55	Project referenced as Alamance	73
28	14	GNR		\$7,203.30		7,203.30	Project referenced as Alamance	76
29	15-16	Camden Co		\$259.77		259.77	ineligible, property cost - taxes	101
30	17-20	Surveying Solutions	\$16,362.66			16,362.66		102
31	21	CDM	\$2,462.50			2,463.00		108
32				\$5,321.00		5,321.00	Task 7 does not reflect this amt	
33			\$315.75			315.00		
34								
35				\$0.25		0.25	Not reflected on invoice	
36	22-24	CDM	\$12,940.50			12,940.50		109-125
37		hydro	\$30,194.50			30,194.50		
38		hydro	\$34,508.00			34,508.00		
39		geotech	\$17,500.00			17,500.00		
40		geotech	\$14,000.00			14,000.00		
41		fac plan	\$5,500.00			5,500.00		
42		fac plan	\$1,000.00			1,000.00		
43		eng plan	\$7,955.00			7,955.00		
44		eng plan	\$1,988.75			1,988.75		
45		eng plan	\$9,943.75			9,943.75		
46		cga	\$480.00			480.00		
47		cga	\$1,920.00			1,920.00		
48		op	\$2,175.00			2,175.00		

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Page (s)	Firm	Category and Invoice Information	Eligible Costs	Ineligible Costs	Ineligible Cost Detail Unavailable	"Black Bear Breakdown" of Invoices Provided	Information provided	Doc. #	
7									
49		closure	\$700.00			700.00			
50		p closure	\$700.00			700.00			
51		plc app	\$3,494.25			3,494.25			
52		plc app	\$8,153.25			8,153.25			
53	GNR	Invoice G. N. Richardson 10/31/2004		\$1,292.50		\$1,292.50	Project referenced as Tran. Stat. (WCI) & Grady Rd. Landfill	127	
54									
55	CDM	Invoice CDM 10/30/2004	\$40,233.25			\$40,233.25		129-138	
56	MACTEC	Invoice MACTEC 8/6/2004	\$3,500.00 #			\$3,500.00		139	
57	GNR	Invoice G. N. Richardson 11/30/2004		\$10,213.57		10,213.57	Project referenced as Tran. Stat. (WCI) & Grady Rd. Landfill	141	
58									
59	Surveying Solutions	Invoice Surveying Solutions thru 5-3-05	\$11,824.66			11,824.66		157-159	
60	GNR	Invoice G. N. Richardson 4/30/2005	\$5,738.74			\$5,738.74		160	
61	GNR	Invoice G. N. Richardson 11/30/2004	\$3,686.84			3,686.84		161	
62	Surveying Solutions	Invoice Surveying Solutions 3/23/2005	\$490.00			490.00		162	
63	Hutchinson	Invoice Hutchinson Group 3/31/2005	\$9,799.41			9,799.41		163	
64	Hutchinson	Invoice Hutchinson Group 5/27/2005	\$345.00			345.00		166	
65	GNR	Invoice G. N. Richardson 5/31/2005	\$6,017.00			6,017.00		175	
66	GNR	Invoice G. N. Richardson 6/30/2005	\$4,544.90			4,544.90		177	
67	GNR	Invoice G. N. Richardson 7/31/2005, Inv #6345		\$1,385.73		1,385.73	Project ref. as Woody Trucking Facility Douglas, GA	178	
68									
69	GNR	Invoice G. N. Richardson 7/31/2005, Inv #6443		\$480.00		480.00	Project ref. as Maple Hill Landfill	179	
70	GNR	Inv #6439	\$4,923.07			4,923.07		181	
71	GNR	Invoice G. N. Richardson 8/31/2005, Inv #6419	\$7,259.27			\$7,259.27		184-185	
72	GNR	Invoice G. N. Richardson 8/31/2005, Inv #6420	\$2,200.00			2,200.00		186	
73	GNR	Invoice G. N. Richardson 10/31/2005, Inv #6575	\$2,203.62			2,203.62		190	
74	GNR	Invoice G. N. Richardson 10/31/2005, Inv #6577	\$950.00			950.00		191	
75	GNR	Invoice G. N. Richardson 9/30/2005, Inv #6497	\$640.00			640.00		192	
76	GNR	Invoice G. N. Richardson 10/31/2005, Inv #6579		\$2,390.00		2,390.00	Receipt states Onslow County	199	
77	GNR	Invoice G. N. Richardson 11/30/2005, Inv #6651	\$2,098.13			2,098.13		201	
78	GNR	Invoice G. N. Richardson 12/31/2005, Inv #6709	\$2,977.53			2,977.53		202	
79	GNR	Invoice G. N. Richardson 9/30/2005, Inv #6496	\$2,569.94			2,569.94		204	
80	Martin Bryson	Invoice Martin Bryson 1/29/2006, Inv#2006-10	\$11,250.00			11,250.00		205	
81	GNR	Invoice G. N. Richardson 01/31/2006, Inv #6780	\$3,679.94			3,679.94		207	
82	GNR	Invoice G. N. Richardson 1/31/2006, Inv #6770	\$4,941.51			4,941.51		208	
83	GNR	Invoice G. N. Richardson 2/28/2006, Inv #6926	\$2,920.78			2,920.78		212	
84	GNR	Invoice G. N. Richardson 2/28/2006, Inv #6854	\$16,890.81			16,890.81		213	
85	GNR	Invoice G. N. Richardson 1/31/2006, Inv #6789	\$2,202.62			2,202.62		215	

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59	GNR	Invoice G. N. Richardson 3/31/2006, Inv #6928	\$20,856.17			20,856.17		216	
60	Surveying Solutions	Invoice Surveying Solutions 4/13/2006, Inv #808	\$6,491.84			6,491.84		217	
61	GNR	Invoice G. N. Richardson 4/30/2006, Inv #7005	\$13,061.51			13,061.51		219	
62	GNR	Invoice G. N. Richardson 4/30/2006, Inv #7004	\$22,078.24			22,078.24		220	
63	Surveying Solutions	Invoice Surveying Solutions 5/25/2006, Inv #824	\$350.00 #			350.00		221	
64	GNR	Invoice G. N. Richardson 5/31/2006, Inv #7082	\$23,187.75			23,187.75		222	
65	GNR	Invoice G. N. Richardson 5/31/2006, Inv #7080	\$3,113.48			3,113.48		223	
66	GNR	Invoice G. N. Richardson 4/30/2006, Inv #7003	\$3,643.29			3,643.29		224	
67	GNR	Invoice G. N. Richardson 3/31/2006, Inv #6926	\$9,643.48			9,643.48		225	
68	Surveying Solutions	Invoice Surveying Solutions 4/27/2006, Inv #813	\$6,537.56			6,537.56		226	
69	GNR	Invoice G. N. Richardson 6/30/2006, Inv #7177	\$3,400.00			3,400.00		238	
70	GNR	Invoice G. N. Richardson 7/31/2006, Inv #7252	\$3,395.67			3,395.67		240	
71	GNR	Invoice G. N. Richardson 7/31/2006, Inv #7253	\$1,267.50			1,267.50		243	
72	GNR	Invoice G. N. Richardson 6/30/2006, Inv #7176	\$5,170.26			5,170.26		248	
73	GNR	Invoice G. N. Richardson 8/31/2006, Inv #7324	\$1,835.70			1,835.70		249	
							Work performed after 8/1/06 is not eligible. "The work by Hyman Robey was done from May, 2006 to July, 2007, pursuant to a proposal dated December 5, 2005. The work involved preparation of the needed applications to the NCDOT."		
74	HymanRobey	Invoice Hyman Robey 7/5/2007, Inv #8413 Invoice amt. \$10,585.00		\$6,600.00		6,600.00		290	
75	Koontz-Bryant	Invoice Koontz-Bryant 7/31/2006, Inv #0016951	\$5,157.27			5,157.27		291	
76	Hutchinson	Invoice Hutchinson Group 1/20/2005, Inv #3068-1	\$16,540.37			16,540.37		292	
77	GNR	Invoice G. N. Richardson 1/31/2005, Inv #5859	\$1,178.17			1,178.17		293	
78									
78		Legal Wyrick - Open			\$561,800.00		information not provided		
78		Legal Wyrick - Open Post 8/01/2006			\$752,555.00		post 8-1-06		
78		Legal Patten, Wornom, Hatten & Diamo Post 8/01/2006			\$80,000.00		post 8-1-06		
78		Legal Other Post 8/01/2006			\$935.00		post 8-1-06		
78		Legal Other	\$500.00	\$3,789.00		4,289.00			
79		Check Request, WI143436, No Date	\$500.00			500.00		26	

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						1,640.00 Land Purchase - not eligible. Ditto above	Land Purchase - not eligible "With respect to documents 96 and 97, the \$1640 charge from Hornthaw, Riley, Ellis & Maryland were not duplicated. Rather, Hornthaw, Riley's charges, of \$1640 each, were for conducting title searches in two separate counties in connection with the Companies' acquisition of the proposed Black Bear site."	27	
113		Invoice Hornthal, Riley, Ellis, Maland 6/11/2004		\$1,640.00		1,640.00 Land Purchase - not eligible. Ditto above	Land Purchase - not eligible "This \$509 invoice, dated October 4, 2004, related to Hornthaw, Rileys recording the Deed associated with the Companies' acquisition of the Black Bear site, as well as updating the title for the property."	96	
114 80	Hornthal et al	Invoice Hornthal, Riley, Ellis, Maland 8/20/2004		\$509.00		509.00		97	
115 81	Hornthal et al	Invoice Hornthal, Riley, Ellis, Maland 10/4/2004						126	
116 82	Hornthal et al								
117		Consultants Detail Unavailable Post 8/01/2006			\$24,000.00		post 8-1-06		
118		Consultants Detail Unavailable 8/01/2006			\$6,605.00	950	information not provided		
119		Consultants Detail Provided	\$0.00	\$950.00		950	Residential and land purchase	176	
120		Atlantic Appraisal Service		\$950.00					
121 83	Atlantic Appraisal								
122 84	Atlantic Appraisal	Other - Capitalized Labor (B Victory) Pre8-1-06			\$161,737.00		salaries not eligible		
123		Other - Capitalized Labor (B Victory) POST8-1-06			\$102,600.00		salaries not eligible		
124									
125		Other - Travel - Detail Unavailable Post 8/01/2006			\$22,657.00		post 8-1-06		
126		Other - Travel - Detail Unavailable 8/01/2006			\$2,840.00		information not available		
127		Other - Travel Detail Available	\$26,589.39	\$50,110.49		76,699.88			
128 85-86		Invoice ALG 5/21/2002 Inv #ALG02-043	\$1,483.20			1,483.20		1	
129 87		Invoice ALG 5/21/2002 Inv #020532	\$765.56			765.56		2	
130 88	ALG	Invoice Kissel & Assoc. 6/21/2002		\$821.43		821.43	no explanation of "site visit"	3	
131 89	Aviation Management	Invoice Aviation Man. Group 6/21/2002		\$312.90		312.90	no explanation of "site visit"	4	
132 90	Kissel & Assoc	Invoice ALG 8/9/2002 Inv #ALG02-071	\$1,483.20			1,483.20		6	
133 91	Aviation Management	Invoice Aviation Man. Group 6/27/2002	\$768.08			768.08		7	
134 92	ALG	Invoice Aviation Man. Group 6/27/2002		\$300.00		300.00	Meeting with Camden Co. Staff. For what purpose?	8	
135 93	Aviation Management	Invoice Aviation Man. Group 8/9/2002	\$773.47			773.47	Meeting with adjoining property	9	
136 94	Aviation Management	Invoice Aviation Man. Group 8/13/2002		\$266.23		266.23	owner	10	
137 95	Aviation Management								

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7 #									
138 96	Aviation Management	Invoice Aviation Man. Group 7/31/2002 Inv.#020764		\$278.59		278.59	Meeting with potential customers	11	
139 97	Aviation Management	Invoice Aviation Man. Group 8/8/2002 Inv.#020809		\$343.86		343.86	Meeting with Camden Co. Staff. For what purpose?	12	
140 98	Aviation Management	Invoice Beach Air 8/13/2002 Inv.#BA02-008		\$244.80		244.80	Meeting with adjoining property owner	13	
141 99	Beach Air	Invoice Kissel & Assoc. 6/27/2002 Inv.#KA02-007		\$878.08		878.08	Meeting with Camden Co. Staff. For what purpose?	19	
142 100	Kissel & Assoc	Invoice Kissel & Assoc. 8/8/2002 Inv.#KA02-016		\$849.75		849.75	Meeting with Camden Co. Staff. For what purpose?	20	
143 101	Kissel & Assoc	Invoice Lynn Ventures 7/31/2002 Inv.#LV02-032		\$364.00		364.00	Meeting with potential customers	21	
144 102	Lynn Ventures	Invoice Renaissance Air 2/19/2004 Inv.#Ren021804MR		\$1,045.00		1,045.00	Waste Ind. Dropped Claim for Inv.	38	
145 103	Renaissance Air	Invoice ALG, 12/3/2003 Inv.#ALG120103MR	\$648.90			648.90		39	
146 104	ALG	Invoice Aviation Man. Group 12/3/2003 Inv.#MR120103	\$803.79			803.79		40	
147 105	Aviation Management	Invoice Aviation Man. Group 3/15/2004 Inv.#MR031004	\$768.68			768.68		92	
148 106	Aviation Management	Invoice Concord Air 8/25/2004 Inv.#CON081804MR		\$5,697.45		5,697.45	Trip to NY and CT. Meet Customers.	99	
149 107	Concord Air	Invoice First South Deliv. 6/24/2004 Inv.#STO062104MR		\$2,008.50		2,008.50	Meeting with Camden Co. Staff. For what purpose?	100	
150 108	First S Developer	Invoice Aviation Man. Group 9/30/2004 Inv.#MR093004	\$250.00			250.00		142	
151 109	Aviation Management	Invoice Renaissance Air 9/30/2004 Inv.#REN093004MR	\$997.50			997.50	Meeting with Camden Co. Staff. For what purpose?	143	
152 110	Renaissance Air	Invoice Aviation Man. Group 2/17/2005 Inv.#WAS-021605		\$262.36		262.36		147	
153 111	Aviation Management	Invoice Aviation Man. Group 3/11/2005 Inv.#WAS-030805	\$341.14			341.14		148	
154 112	Aviation Management	Invoice Aviation Man. Group 2/5/2005 Inv.#WAS-020505		\$783.94		783.94	Who is the guest? Why need to go to Sampson landfill?-No purpose stated	149	
155 113	Aviation Management	Invoice Aviation Man. Group 2/10/2005 Inv.#WAS-020805	\$818.00			818.00		150	
156 114	Aviation Management	Invoice Aviation Man. Group 3/17/2005 Inv.#WAS-031605	\$768.88			768.88		151	
157 115	Aviation Management	Invoice Aviation Man. Group 3/28/2005 Inv.#WAS-031605	\$315.90			315.90		152	
158 116	Aviation Management	Invoice Eagle Leasing 3/28/2005 Inv.#ELG-032405-WAS	\$1,042.88			1,042.88		153	
159 117	Eagle Leasing	Invoice Renaissance Air 3/11/2005 Inv.#REN-030805-WAS	\$997.50			997.50		154	
160 118	Renaissance Air	Invoice Renaissance Air 3/17/2005 Inv.#REN-031605-WAS	\$4,624.19			4,624.19		155	
161 119	Renaissance Air	Invoice Renaissance Air 2/17/2005 Inv.#REN-021605-WAS		\$950.00		950.00	Meeting with Camden Co. Staff. For what purpose?	156	
162 120	Renaissance Air	Invoice Renaissance Air 2/10/2005 Inv.#REN-020805-WAS	\$1,691.78			1,691.78		157	
163 121	Renaissance Air	Invoice Renaissance Air 2/9/2005 Inv.#REN-020505-WAS		\$3,721.91		3,721.91	Who is guest? Why need to see Sampson landfill? No purpose stated.	158	
164 122	Renaissance Air	Invoice Aviation Man. Group 4/22/2005 Inv.#WAS-042105		\$258.50		258.50	Meeting w/ Chesapeake BOC-for what purpose?	164	

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7									
165	123	Aviation Management Invoice Renaissance Air 4/22/2005 Inv #REN-042105-WAS		\$950.00		950.00 Meeting w/ Chesapeake BOC. For what purpose?		165	
166	124	Renaissance Air Invoice Aviation Man. Group 6/9/2005 Inv #WAS-060905		\$259.09		259.09 Meeting w/ Camden Co. Staff - for what purpose?		168	
167	125	Aviation Management Invoice Renaissance Air 6/9/2005 Inv #REN-060905-WAS		\$997.50		997.50 Meeting w/ Camden Co. Staff - for what purpose?		169	
168	126	Renaissance Air Invoice Renaissance Air 8/22/2005 Inv #REN-081605-WAS		\$2,706.84		2,706.84 Meeting w/ Camden Co. and Commissioners - for what purpose?		182	
169	127	Renaissance Air Invoice Renaissance Air 8/25/2005 Inv #REN-082405-WAS		\$1,917.35		1,917.35 Meeting w/ City of Chesapeake - for what purpose?		183	
170	128	Renaissance Air Invoice Aviation Man. Group 10/18/2005 Inv #WAS-101705		\$763.10		763.10 Meeting w/ Camden Co. and Commissioners - for what purpose?		187	
171	129	Aviation Management Invoice Renaissance Air 10/18/2005 Inv#REN-101705-WAS		\$1,962.77		1,962.77 Meeting w/ Camden Co. and Commissioners - for what purpose?		188	
172	130	Renaissance Air Invoice Aviation Man. Group 8/22/2005 Inv #WAS-081605		\$764.20		764.20 Meeting w/ Camden Co. and Commissioners - for what purpose?		193	
173	131	Aviation Management Invoice Aviation Man. Group 8/25/2005 Inv #WAS-082405		\$777.20		777.20 No response		194	
174	132	Aviation Management Invoice Aviation Man. Group 9/27/2005 Inv #WAS-092605		\$764.78		764.78 Meeting w/ Camden Co. B.O.C. - for what purpose?		195	
175	133	Aviation Management Invoice Aviation Man. Group 10/31/2005 Inv #WAS-102705		\$834.00		834.00 Meeting w/ Camden Co. B.O.C. - for what purpose?		196	
176	134	Aviation Management Invoice Renaissance Air 9/27/2005 Inv#REN-092605-WAS		\$1,883.66		1,883.66 Meeting w/ Camden Co. B.O.C. - for what purpose?		197	
177	135	Renaissance Air Invoice Renaissance Air 10/31/2005 Inv#REN-102705-WAS		\$2,085.44		2,085.44 Meeting w/ Camden Co. B.O.C. - for what purpose?		198	
178	136	Renaissance Air Invoice Aviation Man. Group 7/26/2005 Inv #WAS-072105		\$638.70		838.70 Waste Ind. dropped claim for Inv. Ven Poole and guests-travel-Site visit to Black Bear, why. The name of the		200	
179	137	Aviation Management Invoice Renaissance Air 10/20/2004 Inv#REN-101404MR		\$997.50		997.50 guests not specified		203	
180	138	Renaissance Air Invoice Aviation Man. Group 1/18/2006 Inv #WAS-011706	\$759.68			759.68		210	
181	139	Aviation Management Invoice Renaissance Air 1/18/2006 Inv #REN-011706MR	\$2,001.39			2,001.39		211	
182	140	Renaissance Air Invoice Aviation Man. Group 2/28/2006 Inv #WAS-022806		\$770.00		770.00 Meeting with Camden Co. Staff. For what purpose?		228	
183	141	Aviation Management Invoice Aviation Man. Group 3/15/2006 Inv #WAS-031306		\$606.90		806.90 Ven Poole and guest-travel, meet with Camden Co. Commissioners and visit Black Bear		229	
184	142	Aviation Management Invoice Aviation Man. Group 4/12/2006 Inv #WAS-0041106		\$305.66		305.66 Meeting with Camden Co. Staff. For what purpose?		230	
185	143	Aviation Management Invoice Aviation Man. Group 4/25/2006 Inv #WAS-0042106		\$300.00		300.00 Meeting w/ City of Virginia Beach		231	
186	144	Aviation Management Invoice Aviation Man. Group 4/27/2006 Inv #WAS-0042406	\$330.59			330.59 Court Case with Chesapeake		232	
187	145	Aviation Management Invoice Renaissance Air 2/28/2006 Inv #REN-022806MR		\$1,765.94		1,765.94 Meeting with Camden Co. Staff. For what purpose?		233	
188	146	Renaissance Air Invoice Renaissance Air 3/15/2006 Inv #REN-031506MR		\$1,765.94		1,765.94 Ven Poole and guest-travel, meet with Camden Co. Commissioners and visit Black Bear. No purpose stated.		234	

A	B	C	D	E	F	H	I	J	K
Page (s) 7 #	Firm	Category and Invoice Information	Eligible Costs	Ineligible Costs	Ineligible Cost Detail Unavailable	"Black Bear Breakdown" of Invoices Provided	Information provided	Doc. #	
189 147	Renaissance Air	Invoice 4AV8ORS 4/27/2006 Inv #4AV-042406-WAS	\$1,027.43			1,027.43	Court Case with Chesapeake	235	
190 148		Invoice 4AV8ORS 4/25/2006 Inv #4AV-042106-WAS		\$978.50		978.50	Meeting w/ City of Virginia Beach Ven Poole and guest-travel, meet with Camden Co. staff. For what purpose?	236	
191 149		Invoice 4AV8ORS 4/12/2006 Inv #4AV-041106-WAS		\$1,223.13		1,223.13		237	
192 150		Invoice 4AV8ORS 7/6/2006 Inv #4AV-070306-WAS		\$1,076.35		1,076.35	Phil Carter & Grady Shields to attend with meeting with the Camden Co. B.O.C. For what purpose?	251	
193 151		Invoice Aviation Man. Group 7/6/2006 Inv #WAS-0070306		\$350.00		350.00	Phil Carter & Grady Shields to attend a meeting with the Camden Co. B.O.C. For what purpose?	255	
194 152	Aviation Management	Invoice Renaissance Air 7/24/2006 Inv #REN-071906WAS	\$1,832.65			1,832.65	Court case with Chesapeake Trip to NY and CT. Meet with Customers.	270	
195 153	Renaissance Air	Invoice Aviation Man. Group 10/5/2004 Inv #MR081804X		\$6.44		6.44	V. Poole & 2 guests to meet Camden officials & visit site. No purpose stated.	271	
196 154	Aviation Management	Invoice Aviation Man. Group 10/20/2004 Inv #MR101404		\$257.58		257.58	Meeting with adjoining property owners	272	
197 155	Aviation Management	Invoice Aviation Man. Group 12/8/2004 Inv #MR120204		\$276.85		276.85		273	
198 156	Aviation Management	Invoice Aviation Man. Group 12/9/2004 Inv #MR120704	\$250.00			250.00		274	
199 157	Aviation Management	Invoice Renaissance Air 12/8/2004 Inv#REN-120204MR		\$997.50		997.50	Meeting with adjoining property owners	275	
200 158	Renaissance Air	Invoice Renaissance Air 12/9/2004 Inv#REN-120704MR	\$1,045.00			1,045.00		276	
201 159	Renaissance Air	Invoice Aviation Man. Group 11/12/2005 Inv #MR011005		\$342.77		342.77	Camden Yards borrow pit	277	
202 160	Aviation Management	Invoice Renaissance Air 11/12/2005 Inv#REN-011005MR		\$997.50		997.50	Camden Yards borrow pit	278	
203	Renaissance Air								
204									
205		Other/Charity Internal			\$5,000.00		charity not eligible		
206 164		Other/Charity Detail Provided	\$0.00	\$1,500.00		1,500.00			
207 161-163		Check Request & Invoice 5/5/2005		\$1,500.00		0.00	Ineligible	170	
208									
209 165		Other/PR Section Summary	\$760.46	\$0.00		\$760.46			
210 166		Invoice Sunbelt Printing 8/18/2005 Inv #07977	\$760.46				Fact Sheet	189	
211	Sunbelt Printing								
212		Other Detail Unavailable			2,184.00		information not available		
213									
214		Other Detail Unavailable "Offset costs"			(83,771.00)		N/A		
215 167		Other Detail Provided	\$1,476.82	\$124,108.45		125,585.27			
216 168-170		Credit Card Invoice 9/27/02, W#137784 Invoice G.N. Richardson 12/31/2003, Inv #5042	\$30.00			30.00		24	
217 171				\$962.50		962.50	Project ref. Alamance County	35	

A	B	C	D	E	F	H	I	J	K
Page (s)	Firm	Category and Invoice Information	Eligible Costs	Ineligible Costs	Ineligible Cost Detail Unavailable	"Black Bear Breakdown" of Invoices Provided	Information provided	Doc. #	
7 #									
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A	B	C	D	E	F	H	I	J	K
Page (s) 7	Firm	Category and Invoice Information	Eligible Costs	Ineligible Costs	Ineligible Cost Detail Unavailable	"Black Bear Breakdown" of Invoices Provided	Information provided	Doc. #	
244 218		Invoice	\$468.50			468.50		145	
245									
246 219		Invoice Vandeventer Black LLP, 7/28/2006 Inv # 221216	\$841.00			841.00		241	
247 220-221	Vandeventer	Invoice Vandeventer Black LLP, 9/29/2006 Inv # 223826	\$137.32	\$50.00		187.32	\$50.00 for work on 8/11/06. Past Date 8/1/06	245	
248	Vandeventer								
249									
250									
251			ELIGIBLE	INELIGIBLE	INELIGIBLE & NO DETAIL PROVIDED	"Black Bear Breakdown" of Invoices Provided	-\$0.25	diff due to amt requested vs. amt invoiced	
252			\$774,825.72	\$221,111.11	12,616,617.00	\$995,936.58	\$13,612,553.83	TOTALS	

CERTIFICATION OF AUTHENTICITY AND PAYMENT

I certify that Waste Industries USA, Inc. and Black Bear Disposal, LLC ("the Companies") are eligible for reimbursement of costs incurred prior to August 1, 2006, for preparation of an application for a permit for a sanitary landfill, pursuant to Section 3 of Chapter 543 of the 2007 North Carolina Session Laws (Senate Bill 6). I also certify that I am familiar with the invoices and other documentation submitted by the Companies, through their attorney, to the Department of Environment and Natural Resources for reimbursement pursuant to this legislation. I can fully testify that each invoice deemed eligible by the Department for reimbursement, together with supporting documentation, has been reviewed and authenticated by personnel knowledgeable of the costs incurred and paid for by the Companies for their application for a permit for the sanitary landfill for which the Companies are seeking reimbursement, that the invoices and documentation are complete, accurate and truthful, that said costs were incurred prior to August 1, 2006, and that said costs were paid by the Companies. I understand that the submission of a false statement, representation, certification or documentation to the Department under Article 9 of Chapter 130A of the General Statutes, is subject to criminal penalty as follows: guilty of a Class 2 misdemeanor, punishable by a fine up to \$10,000.00.

IN WITNESS WHEREOF, the Companies have caused this certificate to be signed in their company names by the President of Waste Industries USA, Inc., the sole member of Black Bear Disposal, LLC, and attested by _____, Secretary, this _____ day of _____, 2008.

Attest:
Disposal, LLC:

Secretary

Waste Industries USA, Inc. and Black Bear

By: _____
James Perry, President, Waste Industries USA, Inc.

Print Name: _____

Print Name: _____

I, _____, a notary public, certify that _____ personally came before me this _____ day of _____, 2008, and acknowledged that s/he is the Secretary of Waste Industries USA, Inc., and that by authority duly given and as the act of the above companies, the foregoing instrument was signed in their name by its President, _____, and attested by himself/herself as its Secretary.

Witness my hand and official seal, this the ____ day of _____, 2008.

_____, Notary Public

(Seal)

My Commission Expires: _____

WAIVER AND COVENANT NOT TO SUE

Waste Industries USA, Inc. and Black Bear Disposal, LLC, ("the Companies") having submitted a request pursuant to Section 3 of Chapter 543 of the 2007 North Carolina Session Laws (Senate Bill 6) for reimbursement of costs incurred for preparation of a sanitary landfill permit application, hereby accepts reimbursement of costs determined by the State of North Carolina Department of Environment and Natural Resources ("Department") to be eligible for reimbursement under Section 3.(d) of said Session Law. By accepting the reimbursement of costs in the amount of \$742,283.02, the Companies waive recovery of any costs submitted for reimbursement which the Department did not deem eligible for reimbursement under the Session Law. The Companies further covenant not to sue or take any form of legal action against the State of North Carolina or any political subdivision of the State for recovery of any costs described in Sections 3.(d) and (e) of Chapter 543 of the 2007 Session Laws. This waiver and covenant, made pursuant to the requirements of Section 3.(g) of the Chapter 543 of the 2007 Session Laws, shall take effect upon receipt by the Companies of said reimbursement payment. It is further agreed that by the State of North Carolina making the reimbursement payment pursuant to said Session Law, the Companies waive, release and discharge all claims against the State of North Carolina and any political subdivision of the State for cost reimbursement pursuant to Section 3 of Chapter 543 of the 2007 Session Laws.

IN WITNESS WHEREOF, the Companies have caused this Waiver and Covenant Not to Sue to be signed in their company names by the President of Waste Industries, USA, Inc., the sole member of Black Bear Disposal, LLC, and attested by its Secretary.

Attest:

Waste Industries USA, Inc. and Black Bear
Disposal, LLC

Secretary

By: _____
President, Waste Industries, USA, Inc.

State of _____

County of _____

I, _____, a notary public, certify that _____ personally came before me and acknowledged that s/he is the Secretary of Waste Industries USA, and that by authority duly given and as the act of the above companies, the foregoing instrument was signed in their name by the President of Waste Industries USA, Inc., and attested by himself/herself as its Secretary.

Witness my hand and official seal, this the _____ day of _____, 2008.

_____, Notary Public

My Commission Expires: _____

(Seal)